

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE GUZMAN,

Plaintiff,

-against-

MEL S. HARRIS AND ASSOCIATES, LLC
LR CREDIT 13, LLC
MEL S. HARRIS
DAVID WALDMAN
KERRY H. LUTZ
TODD FABACHER
MICHAEL YOUNG
SAMSERV, INC
JOHN ADINO
WILLIAM MLOTOK

Defendants.


Case No. 16-cv-03499-GBD-RLE

**DEFENDANT LR CREDIT 13, LLC'S NOTICE OF SUBPOENA TO
CHASE BANK, USA S/B/M FIRST USA BANK, N.A.**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant LR CREDIT 13, LLC, by its undersigned attorneys Herbert Smith Freehills New York LLP, will cause a subpoena, in the form attached hereto, to be served on Chase Bank, USA, a non-party, on March 28, 2017 or as soon thereafter as service may be effectuated.

Dated: New York, New York
March 28, 2017

HERBERT SMITH FREEHILLS NEW YORK LLP

By: 

Scott S. Balber
450 Lexington Ave, 14th Floor
New York, New York 10017
Tel: (917) 542-7600
Fax: (917) 542-7601
Scott.Balber@hsf.com
Attorneys for Defendant LR Credit 13, LLC

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York



JOSE GUZMAN

Plaintiff

MEL S. HARRIS AND ASSOCIATES, LLC
LR CREDIT 13, LLC, et al.

Defendant

Civil Action No. 16-cv-03499-GBD-RLE

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Chase Bank USA
c/o CT Corporation Systems 111 8th Avenue, 13th Floor, New York, NY 10011

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material. See attached Schedule A

Place: Herbert Smith Freehills New York LLP
450 Lexington Avenue, 14th Floor, New York, NY 10017

Date and Time:

04/17/2017 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/28/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendant
LR Credit 13 LLC, who issues or requests this subpoena, are:
Scott S. Balber, Herbert Smith Freehills New York LLP, 450 Lexington Avenue, 14th Floor, New York, NY 10017

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 16-cv-03499-GBD-RLE

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

SCHEDULE A

DEFINITIONS

1. The Uniform Definitions in Discovery Requests set forth in Local Rule 26.3 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York (the "Local Rules") are incorporated herein by reference.

2. "Include," "includes," and "including," as used herein, shall be construed to mean "without limitation."

3. "Mr. Guzman," as used herein, means Jose Guzman, an individual formerly residing at 1304 Boston Road, Bronx, NY 10456.

4. "Requests," as used herein, means the document requests set forth below.

5. "You" and "Your," as used herein, mean, collectively, to the recipient hereof; to you and your parent companies, subsidiaries, affiliates, and divisions; you and your predecessors or successors in interest, including any parent companies, subsidiaries, affiliates, and divisions thereof; and any of the foregoing entities' present or former representatives, agents, assigns, employees, officers, directors, attorneys, or consultants or any other persons currently acting or who previously acted on their behalf.

INSTRUCTIONS

1. You are requested to identify and produce all responsive Documents that are in Your possession, custody, or control, wherever located.

2. Unless otherwise indicated, these Requests call for Documents prepared, generated, created, edited, revised, or received from January 1, 2003 through December 31, 2006 (the "Relevant Time Period"), or that relate in whole or in part to events or circumstances during the Relevant Time Period, even if dated prior or subsequent to that period.

3. Any and all documents produced in response to the Requests should be produced in a form as listed below in order of preference:

a. Produce documents in their native, unmodified electronic format (e.g. Word or Excel file);

b. Provide documents not available in electronic format as described in (i) above in an electronic printable format such as a PDF file;

c. Provide documents not available in electronic formats described in (i) and (ii) above in hardcopy.

4. If there are no Documents responsive to any particular request, You are requested to so state in writing.

5. Notwithstanding the assertion of any privilege or other right of nondisclosure, any responsive document that You object to producing but which nevertheless contains information that is non-privileged or not covered by the asserted right of nondisclosure must be produced, but that portion of the document as to which the privilege or right of nondisclosure is asserted may be redacted.

6. In the event You redact or refuse to produce any requested document under a claim any privilege or other right of nondisclosure, You are requested to submit for each document redacted or withheld a short written statement that:

- a. specifies the privilege or right of nondisclosure being asserted;
- b. identifies the ground for assertion of the privilege or right of nondisclosure;
- c. describes the nature and general topic of the document;
- d. specifies the date on which the document was prepared or received by You.

7. These Requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects.

8. If any part of a Document is considered responsive to any Request, You are requested to produce the Document in its entirety, without deletions or excisions, regardless of whether You consider the entire Document to be responsive.

9. If You consider that any Request is so broad or extensive as to impose an undue burden on You, or is improper for any other reason, You or Your counsel are requested to contact the undersigned counsel to facilitate the narrowing or restatement of the Request in issue.

10. These Requests shall be deemed continuing, and any document obtained or located after the production, which would have been produced had been available or its existence known at the time of production, is to be supplied immediately.

DOCUMENTS REQUESTED

1. All documents-including any retail charge account agreement, account statements, account opening documents, correspondence, and/or agreements-relating to any account(s) held by or in the name of Mr. Guzman with First USA Bank, N.A., including any account with account number 4225811720234690.

2. All documents relating to any debt owed by Mr. Guzman to First USA Bank, N.A.